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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,938	03/03/2004	Cor Van Rijn	03/018 KP	4127

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EXAMINER

MIGGINS, MICHAEL C

ART UNIT PAPER NUMBER

1772

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/791,938

Applicant(s)

VAN RIJN ET AL.

Examiner

Michael C. Miggins

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/3/04, 6/30/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huguen et al. (US 5747192) in view of Tyson (GB 1186531, provided herein).

Huguen discloses a plastics film composed of rigid polyvinyl chloride as backing film for a single or multilayer (column 2, lines 43-67, column 3, lines 31-38), adhesive bondable sleeve label which can be applied by adhesive bonding and shrinking onto a peripheral surface of a cylindrical body (column 4, lines 20-47), wherein the plastics film has been stretched in the machine direction and has a positive heat shrinkage of from about 40 to 60% (column 3, lines 31-38).

Huguen also discloses a negative shrinkage of from about 0 to 10%, or 0 to 2% (column 5, lines 19-50), wherein the stretch perpendicular is 0 (since the stretching can be in one direction or more directions as desired) (column 5, lines 19-50), wherein the thickness is from about 22.5 to 66 microns (since 2 mils = 50.8 microns) (column 3, lines 31-38).

Huguen fails to disclose that the film is calendered.

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Tyson discloses a heat shrink polyvinyl chloride film which is calendered (page 1, lines 42-48) for the purpose of providing an improved method for covering articles.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided that the film is calendered in the heat shrink film of Huguen in order to provide an improved method for covering articles as taught or suggested by Tyson.

Claim 4 in its entirety recites a method step which has been given little patentable weight since method steps are not germane to the patentability of a product in a product claim (MPEP 2113).

With regard to claim 8 discovering the optimum width would have been obvious to one of ordinary skill in the art depending on the size of the article to be covered (MPEP 2144).

Claims 12, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huguen et al. (US 5747192) in view of Tyson (GB 1186531, provided herein), as applied to claims 1-11, 13 and 16 above, and further in view of Yoshiga et al. (US 4264010).

Huguen does not disclose a film which is clear and which comprises a lubricant.

Yoshiga discloses a polyvinyl chloride shrink film which is clear and comprises a lubricant (column 2, lines 27-31, lines 53-58 and column 3, lines 7-34) for the purpose of providing a film which has excellent optical characteristics (column 3, lines 7-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a film which is clear and which comprises a lubricant in the film of Huguenin in order to provide a film which has excellent optical characteristics as taught or suggested by Yoshiga.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Miggins

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Primary Examiner  
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A handwritten signature in black ink, appearing to read "Michael J. Higgins", with a long horizontal flourish extending to the right.

MCM

June 12, 2006